

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-5683-N-35]

**Notice of Submission of Proposed Information Collection to OMB; Section 901 Notice of Intent and Fungibility Plan for Combining Public Housing Capital or Operating Funds, or Housing Choice Voucher Funds To Assist Displaced Families and Address Damages****AGENCY:** Office of the Chief Information Officer, HUD.**ACTION:** Notice.**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. HUD is soliciting public comments on the subject proposal.**DATES:** *Comments Due Date: June 7, 2013.***ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2577-0245) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5806. Email: [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov) fax: 202-395-5806.**FOR FURTHER INFORMATION CONTACT:** Colette Pollard., Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; email Colette Pollard at [Colette.Pollard@hud.gov](mailto:Colette.Pollard@hud.gov) or telephone (202) 402-3400. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.**SUPPLEMENTARY INFORMATION:** This notice informs the public that the HUD has submitted to OMB a request for approval of the Information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information

on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

*Title of Proposed:* Section 901 Notice of Intent and Fungibility Plan for Combining Public Housing Capital or Operating Funds, or Housing Choice Voucher Funds to Assist Displaced Families and Address Damages.*OMB Approval Number:* 2577-0245.*Form Numbers:* None.*Description of the need for the information and proposed use:*

The Notice of Intent is necessary for HUD to be informed about which eligible PHAs elect to invoke the funding flexibility authorized by section 901 of the Emergency Supplemental Appropriations (Pub. L. 109-148). The Fungibility Plan and Reports are necessary for HUD to know how eligible PHAs plan to reallocate and spend these funds, the rate such funds are obligated and expended, and the results in using this funding flexibility. Fungibility Plans proposing to use Section 901 flexibility and funding to develop new housing units under Capital Fund mixed-finance uses or for development of HCV project-based units were required to include new development proposals following the format required by 24 CFR 941.606 or mixed-finance rules as appropriate. Fungibility Plans proposing to use Section 901 flexibility to pay for public housing renovations were required to submit CFP Annual Statements identifying work items and costs. These collections are approved under separate OMB numbers. Under Section 901, funds from one of the programs identified above could be used for another program's purposes, but were required to follow the rules of the program in which the funds would be used. HUD has not received any new Section 901 Fungibility Plans since 2009, which was the last year Congress extended this funding flexibility to address the impacts of Hurricanes Rita and Katrina. Some PHAs have used the fungibility plan format to submit revisions to their originally approved plans.

*Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:*

Notification of Intent and Fungibility Plan. This is a one-time submission estimated to take 40 hours for each of up to twelve eligible PHAs that submitted plans from 2006 through

2009. PHAs may also use this format to request HUD approval for subsequent plan revisions. The original burden estimate for this information collection was 6,624 hours assuming all ninety-six PHAs in the areas impacted by Hurricanes Katrina and Rita would opt to use it. A later burden estimate of 1,248 hours was submitted, when in 2006, only eight out of ninety-six eligible PHAs submitted plans to use Section 901 flexibility. In 2007, seven out of the eight 2006 PHAs and one new PHA submitted plans to use Section 901 flexibility. In 2008, seven out of the nine 2006 and 2007 PHAs and three new PHAs submitted plans to use Section 901 flexibility. Ten or fewer respondents have submitted plans to use Section 901 flexibility each year. One PHA submitted a plan in 2009, the last year in which Section 901 funding flexibility was available. As a result, the estimate of burden hours for new fungibility plans has been removed. A total of ten different PHAs have been approved to use and must report the results of Section 901 flexibility. A new estimate of burden for Section 901 Notifications of Intent and Fungibility Plans or revisions, and subsequent periodic reporting is 1,680 hours based on requirements for 10 PHAs to prepare and submit these documents.

*Status:* Extension without change of a currently approved collection.**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: May 2, 2013.

**Colette Pollard,***Department Reports Management Officer,  
Office of the Chief Information Officer.*

[FR Doc. 2013-10942 Filed 5-7-13; 8:45 am]

**BILLING CODE 4210-67-P****DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs**

[DR.5B711.IA000813]

**Indian Gaming****AGENCY:** Bureau of Indian Affairs, Interior.**ACTION:** Notice of Approved Tribal-State Class III Gaming Compact.**SUMMARY:** This notice publishes the approval of an amendment to the Class III Tribal-State Gaming Compact between the Menominee Indian Tribe of Wisconsin and the State of Wisconsin (Amendment).**DATES:** *Effective Date:* May 8, 2013.**FOR FURTHER INFORMATION CONTACT:** Paula L. Hart, Director, Office of Indian

Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219-4066.

**SUPPLEMENTARY INFORMATION:** Under Section 11 of the Indian Gaming Regulatory Act (IGRA) Public Law 100-497, 25 U.S.C. 2701 *et seq.*, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. On March 19, 2013, the Menominee Indian Tribe of Wisconsin (Tribe) and the State of Wisconsin submitted an Amendment for review and approval. The amendment adds the language “or the government of an Indian tribe as defined in 25 U.S.C. 2703(5),” for purposes of including tribal governments in the compact’s list of entities that are exempt from obtaining a State-issued certificate to finance the Tribe’s gaming-related facilities.

Dated: May 1, 2013.

**Kevin K. Washburn,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 2013-10923 Filed 5-7-13; 8:45 am]

**BILLING CODE 4310-4N-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[DR.5B711.IA000813]

#### Land Acquisitions; Cowlitz Indian Tribe

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of Final Agency Determination.

**SUMMARY:** The Assistant Secretary—Indian Affairs made a final agency determination to acquire approximately 151.87 acres of land into trust for gaming and other purposes for the Cowlitz Indian Tribe on April 22, 2013.

**FOR FURTHER INFORMATION CONTACT:** Paula L. Hart, Director, Office of Indian Gaming, Bureau of Indian Affairs, MS-3657 MIB, 1849 C Street NW., Washington, DC 20240; Telephone (202) 219-4066.

**SUPPLEMENTARY INFORMATION:** This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1, and is published to comply with the requirements of 25 CFR 151.12(b) that notice be given to the public of the Secretary’s decision to acquire land in trust at least thirty (30)

days prior to signatory acceptance of the land into trust.

On December 17, 2010, the Assistant Secretary—Indian Affairs issued a Record of Decision (2010 ROD) announcing a final determination to acquire in trust approximately 151.87 acres of land and to proclaim the land to be the Cowlitz Indian Tribe’s reservation. Notice of that decision was published in the **Federal Register** on January 4, 2011, 76 FR 377 (2011). That decision was challenged in the United States District Court for the District of Columbia. On March 13, 2013, the district court remanded the matter to the Department with instructions to rescind the 2010 ROD, and ordered the Department to issue a new ROD within sixty (60) days of the date of the decision unless good cause was shown why the Department could not do so.

On April 22, 2013, the Assistant Secretary—Indian Affairs rescinded the 2010 ROD and issued a new ROD announcing the decision to acquire in trust approximately 151.87 acres of land in trust for the Cowlitz Indian Tribe and issue a reservation proclamation under the authority of the Indian Reorganization Act of 1934, 25 U.S.C. 465 and 467. We have determined that the Cowlitz Indian Tribe’s request meets the requirements of the Indian Gaming Regulatory Act’s “initial reservation” exception, 25 U.S.C. 2719(b)(1)(B)(ii), to the general prohibition contained in 25 U.S.C. 2719(a) on gaming on lands acquired in trust after October 17, 1988. The land is located in Clark County, Washington, and will be used for gaming and other purposes.

The 151.87 acre parcel located in Clark County, Washington, is described as follows:

#### PARCEL I

BEGINNING at the intersection of the West line of Primary State Highway No. 1 and the East line of the Southeast quarter of Section 5, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington; thence Northerly along said West line of Primary State Highway No. 1 a distance of 1307.5 feet to the Point of Beginning of this description; thence West 108.5 feet to an angle point thereon; thence Northerly along the fence 880.5 feet to the center line of a creek; thence Northerly along said creek 443 feet to the West line of Primary State Highway No. 1; thence Southerly along said West line of Highway to the Point of Beginning.

EXCEPT that portion conveyed to the State of Washington by Auditor’s File Nos. G 450664 and G 147358.

#### PARCEL II

That portion of the following described land lying West of the Westerly line of Interstate 5, formerly known as Pacific Highway, in Section 9, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington.

The North half of the Southwest quarter of the Northwest quarter any the South half of the Northwest quarter of the Northwest quarter of Section 9, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington.

EXCEPT any portion lying within NW 31st Avenue.

ALSO EXCEPT that portion thereof acquired by the State of Washington by deed recorded under Auditor’s File Nos. G 140380 and D 95767.

#### PARCEL III

BEGINNING at the Northwest corner of the Northeast quarter of the Northeast quarter of Section 8, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington; and running thence East 390 feet to the Point of Beginning; thence East 206 feet; thence South 206 feet; thence West 206 feet; and thence North to the Point of Beginning.

EXCEPT that portion lying within the right of way of NW 319th Street.

#### PARCEL IV

All that part of the Southeast quarter of Section 5, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington, lying West of Primary State Road No. 1 (Pacific Highway).

EXCEPT the Henry Ungemach tract recorded in Volume 76 of Deeds, page 33, records of Clark County, Washington, described as follows:

BEGINNING at a point 19.91 chains North of the Southwest corner of said Southeast quarter; thence East 13.48 chains to creek; thence Northerly along creek to North line of said Southeast quarter at a point 6.66 chains West of the Northeast corner thereof; thence West to Northwest corner of said Southeast quarter; thence South 19.91 chains to the Point of Beginning.

ALSO EXCEPT the John F. Anderson tract as conveyed by deed recorded under Auditor’s File No. F 38759, records of Clark County, Washington, described as follows:

BEGINNING at the Northwest corner of the Southwest quarter of the Southeast quarter of Section 5, Township 4 North, Range 1 East of the Willamette Meridian, Clark County, Washington; and running thence East